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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,377	08/31/2001	Marco Johannes Christina Van Amelsvoort	9424.147USWO	9632

7590
Merchant & Gould
PO Box 2903
Minneapolis, MN 55402-0903

02/05/2007

EXAMINER

JOHNSON, BLAIR M

ART UNIT	PAPER NUMBER
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3634

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/787,377

Applicant(s)

VAN AMELSVOORT, MARCO
JOHANNES CHRISTIN

Examiner

Blair M. Johnson

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-27 and 29-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-27 and 29-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

Claims 20,21,23-27,29-31,33-38 and 43-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over German 19537190.

'190 discloses a blind comprising vertical slats 10. One region 12 of the slats has perforations 18 for light transmission while the other region 14 is of a material which is designed to prevent people from looking through that portion, thereby indicating an ability to subdue light passage therethrough. While the upper portion in '190 is the light transmitting portion and the lower portion is the light blocking portion, which differs from the presently claimed device, one of ordinary skill in the art faced with Applicant's problem of blocking light at the top of the blind and permitting light through the bottom of the blind would have simply reversed the arrangement of these two portions. In other words, the structure is provided by '190. The tailoring of this structure to achieve specific objectives in window shading would have been well within the purview of one of ordinary skill in the art. It is clear that the portion which has perforations for the purpose of allowing light to be transmitted therethrough would permit human viewing therethrough at least to some extent.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over German patent '109 as applied above, and further in view of Levert.

Levert discloses window blinds which have portions which permit light transmission therethrough. Levert further equates perforations with "partly translucent" material for this reason, column 2, line 37. In view of this teaching, it would have been obvious to modify German '190 whereby his perforated portion is instead made of a

material which is partly translucent.

Claims 32 and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over German '190 in view of Johnston et al.

'190 states that the upper and lower regions may be the same material with one being treated to provide the desired light blocking capabilities. Johnson discloses a shade with multiple regions providing different shading degrees by way of coating (abstract). It would have been obvious to use coatings as the "treatment" of '019.

Claims 20,21,23-27,29-31,33-38 and 43-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over German 19537190 in view of Kearny.

Kearny provides additional motivation for modifying German '190 to provide the upper portion (analogous to the roller shade 14) as light blocking and the lower portion (analogous to the Venetian blind portion 12) as light permitting. Claims 20,21,23-27,29-31,33-38 and 43-50 are rejected under 35 U.S.C. 103(a)

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over German patent '109 in view of Kearny as applied above, and further in view of Levert.

Levert discloses window blinds which have portions which permit light transmission therethrough. Levert further equates perforations with "partly translucent" material for this reason, column 2, line 37. In view of this teaching, it would have been obvious to modify German '190 whereby his perforated portion is instead made of a material which is partly translucent.

Claims 32 and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over German '190 in view of Kearny as applied above and further in view of Johnston et al.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. Applicant repeatedly argues that the German reference (German) "teaches away" from Applicant's claimed invention. Obviously, the Examiner disagrees. The Examiner readily concedes that the light preventing and light permitting portions of the German shade are reversed from that of the claimed invention. Applicant points to several portions of the German specification where he discusses his reasoning for placing the portions of his shade in their respective locations, hence allegedly teaching away from the present invention. However, such detailed discussion by German indicates that the locations of the shade's portions are deliberately designed to meet desired shading characteristics. It seems reasonable to the Examiner that one reading and studying German but having different shading requirements would likewise tailor the shade to meet those requirements. Regarding Kearney, since both German and Kearney are both in the same field of endeavor, i.e. window shades, one of ordinary skill in the art would not have to be motivated to search for teachings of different shade portions on a shade device. Such teachings are present in a reference, Kearney, that by virtue of being in the same field of endeavor would have been within easy reach of German.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

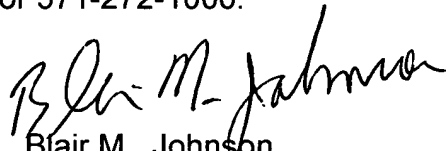
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Blair M. Johnson
Primary Examiner
Art Unit 3634

BMJ
1/26/07